

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CLARA CHRISTOPHER, as Administratrix Ad
Prosequendum For The Estate Of Myrtle Denean
Marshall Deceased, and On Behalf Of Decedent's
Heirs At Law And Next Of Kin,

Plaintiff,

v.

2:13-cv-04784-WY

CITY OF PHILADELPHIA, *et al.*

Defendants.

ORDER

AND NOW, this 5th day of February, 2014, upon consideration of Caleb Nwosu and Eke Kalu's motion to dismiss the plaintiff's complaint for failure to state a claim (Doc. 7) and the plaintiff's response thereto, **IT IS HEREBY ORDERED** that:

1. Count I of the complaint is **DISMISSED** as to Caleb Nwosu and Eke Kalu without prejudice to plaintiff's right to file an amended complaint within sixty days of the date hereof.
2. The balance of the motion to dismiss is **DENIED**.

s/William H. Yohn Jr.
William H. Yohn Jr., Judge.